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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/755,948	01/05/2001	Ranjit Bhatia	27943-00403USPT	4503
27045	7590	07/18/2006	EXAMINER	
ERICSSON INC. 6300 LEGACY DRIVE M/S EVR C11 PLANO, TX 75024			PHILLIPS, HASSAN A	
			ART UNIT	PAPER NUMBER
			2151	

DATE MAILED: 07/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/755,948	Applicant(s) BHATIA ET AL.	
	Examiner Hassan Phillips	Art Unit 2151	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 September 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 37-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 37-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is in response to communications filed September 21, 2005.

#### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 21, 2005 has been entered.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 39 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 39 recites the limitation "the content provider" in the claim language. There is insufficient antecedent basis for this limitation in the claim. In order to advance

prosecution, examiner has interpreted the first mention of "the content provider" in the body of the claim to be "a content provider". Appropriate correction is required.

### ***Response to Arguments***

6. Applicant's arguments filed September 21, 2005 have been fully considered but they are not persuasive. Applicant argued that: the recited steps of independent Claim 1 wherein the steps of "receiving a subscription for a particular triggering event associated with a mobile telecommunications device from the content provider" and "agreeing to notify the content provider when the telecommunications system reports the triggering event associated with the mobile telecommunication device" are not disclosed or taught by the cited references. Examiner respectfully disagrees with applicant's assertions.

7. Regarding applicant's remarks, examiner submits while the steps of "receiving a subscription for a particular triggering event associated with a mobile telecommunications device from the content provider" and "agreeing to notify the content provider when the telecommunications system reports the triggering event associated with the mobile telecommunication device" are not expressly disclosed in the teachings of Owensby, such teachings are disclosed by Calvert. Calvert teaches "the triggering event" being a request for information from a mobile telecommunication device, which is then used to determine the location of the mobile telecommunication device, (col. 7, line 45-col. 8, line 21). "Receiving a subscription for a particular

triggering event associated with a mobile telecommunications device from the content provider" is then disclosed where Calvert teaches "the provider information stored in the context engine server's relational database is preferably provided by the product providers themselves upon signing up for service with the communications system operator or operator of the context engine server" (col. 8, lines 22-27). Such teachings imply a subscription for the triggering event taught by Calvert since the content provider registers with the context engine server specifically to have provider information delivered to the mobile telecommunication device by the context engine server when the triggering event occurs, (col. 8, lines 5-21, col. 9, lines 5-67). Furthermore, Calvert clearly discloses, "agreeing to notify the content provider when the telecommunications system reports the triggering event associated with the mobile telecommunication device" where Calvert teaches "having examined the relational database for possible product providers in view of the approximate location of the communication device... the context engine server 109 selects providers that provide the type of product requested and that are located in a general vicinity of the communication device...the context engine server 109 conveys at least a product information request to the selected product provider servers...in addition to a product information request, the context engine server 109 may also convey specific information about the communication device user or general demographic information of the device user to the selected product providers..." (col. 9, lines 5-34).

8. Accordingly the references supplied by the examiner in the previous office action covers the claimed limitations. The rejections are thus sustained. Applicant is requested to review the prior art of record for further consideration.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 37-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Owensby, U.S. Patent 6,647,257 in view of Calvert, U.S. Patent 6,526,275 (provided by Applicant).

11. In considering claim 37, Owensby teaches a method of providing unsolicited content information from a content provider (40) to a mobile telecommunications device (12) operating in a mobile telecommunication system, said method being performed in a Business-to-Business (B2B) engine (20) connected to the telecommunication system, and comprising the steps of:

The B2B engine providing content information from the content provider to the mobile telecommunications device whenever the telecommunication system reports a triggering event associated with the mobile telecommunications device, (col. 11, lines

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18-50); receiving from the telecommunication system, a report of a triggering event associated with the mobile telecommunications device, (col. 11, lines 18-50); notifying the B2B engine that the telecommunication system has reported a triggering event associated with the mobile telecommunications device, (col. 11, lines 18-50); and, forwarding the content information to the mobile telecommunications device, (col. 11, lines 18-50).

Although the disclosed method of Owensby shows substantial features of the claimed invention, it fails to expressly disclose: receiving a subscription for a particular triggering event associated with a mobile telecommunications device from the content provider and agreeing to notify the content provider when the telecommunications system reports the triggering event associated with the mobile telecommunication device.

Nevertheless, in a similar field of endeavor, Calvert teaches a method for informing a user of a communication device where to obtain a product comprising: receiving a subscription for a particular triggering event associated with a mobile telecommunications device from the content provider, (col. 8, lines 22-27); and agreeing to notify the content provider when the telecommunications system reports the triggering event associated with the mobile telecommunication device, (col. 9, lines 5-34).

Thus, given the teaches of Calvert, it would have been obvious to one of ordinary skill in the art to modify the teachings of Owensby to show the steps of receiving a subscription for a particular triggering event associated with a mobile

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telecommunications device from the content provider and agreeing to notify the content provider when the telecommunications system reports the triggering event associated with the mobile telecommunication device. This would have advantageously provided a means for delivering content information to the mobile telecommunications device upon a triggering event associated with the mobile telecommunications device, with the burden for delivering the content information placed on the content provider instead of the B2B engine. In doing so this would have also allowed for greater flexibility in choosing, by the content provider, exactly what type of content should be sent to the subscriber, (Calvert, col. 9, lines 38-67).

12. In considering claims 38, 41, and 42, Owensby further teaches: the triggering event being a location area change update by the mobile telecommunications device, (col. 12, lines 4-37).

Although the disclosed method of Owensby shows substantial features of the claimed invention, it fails to expressly disclose the triggering event being: a power-on registration or periodic update by the mobile device.

Nevertheless, power-on registrations, and periodic updates by the mobile device are field of use limitations and not patentable distinction.

Furthermore, given the teaches of Owensby, it would have been obvious to one of ordinary skill in the art to modify the teachings of Owensby to show the triggering events further including power-on registration, or periodic update, by the mobile telecommunications device. Such events were well known in the art at the time of the



present invention and would have provided more versatility in the method of delivering unsolicited content information to the mobile telecommunications device as taught by Owensby.

13. In considering claim 39, Owensby teaches a method of providing unsolicited service to a mobile telecommunications device operating in a mobile telecommunication system, said service being based on real-time information related to the mobile telecommunications device (12), said method being performed in a Business-to-Business (B2B) engine (20) connected to the telecommunication system, and comprising the steps of:

The B2B engine providing content information from a content provider (40) to the mobile telecommunications device whenever the telecommunication system reports a triggering event associated with the mobile telecommunications device, (col. 15, line 32-col. 16, line 21); providing to the telecommunication system, a mobile identification number identifying the mobile telecommunications device, (col. 15, line 32-col. 16, line 21); receiving from the telecommunication system, subscriber information related to the mobile telecommunications device, the subscriber information including subscriber preferences relating to the service, (col. 15, line 32-col. 16, line 21); receiving from the telecommunication system, a report of a triggering event associated with the mobile telecommunications device, (col. 15, line 32-col. 16, line 21); notifying the B2B engine that the telecommunication system has reported a triggering event associated with the mobile telecommunications device, (col. 15, line 32-col. 16, line 21); and, forwarding the

content information to the mobile telecommunications device, (col. 15, line 32-col. 16, line 21).

Although the disclosed method of Owensby shows substantial features of the claimed invention, it fails to expressly disclose: receiving a subscription for a particular triggering event associated with a mobile telecommunications device from the content provider and agreeing to notify the content provider when the telecommunications system reports the triggering event associated with the mobile telecommunication device.

Nevertheless, in a similar field of endeavor, Calvert teaches a method for informing a user of a communication device where to obtain a product comprising: receiving a subscription for a particular triggering event associated with a mobile telecommunications device from the content provider, (col. 8, lines 22-27); and agreeing to notify the content provider when the telecommunications system reports the triggering event associated with the mobile telecommunication device, (col. 9, lines 5-34).

Thus, given the teachings of Calvert, it would have been obvious to one of ordinary skill in the art to modify the teachings of Owensby to show the steps of receiving a subscription for a particular triggering event associated with a mobile telecommunications device from the content provider and agreeing to notify the content provider when the telecommunications system reports the triggering event associated with the mobile telecommunication device. This would have advantageously provided a means for delivering content information to the mobile telecommunications device upon

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a triggering event associated with the mobile telecommunications device, with the burden for delivering the content information placed on the content provider instead of the B2B engine. In doing so this would have also allowed for greater flexibility in choosing, by the content provider, exactly what type of content should be sent to the subscriber, (Calvert, col. 9, lines 38-67).

14. In considering claim 40, Owensby teaches a Business-to-Business (B2B) engine (20) for providing unsolicited content information from a content provider (40) to a mobile telecommunications device (12) operating in a mobile telecommunication system, said B2B comprising: means for the B2B engine to provide content information from the content provider to the mobile telecommunications device whenever the telecommunication system reports a triggering event associated with the mobile telecommunications device, (col. 11, lines 18-50, also see Fig. 3); a first interface module for communicating between the B2B engine and the mobile telecommunication system, said first interface module including means for receiving from the telecommunication system, a report of a triggering event associated with the mobile telecommunications device, and means for sending to the mobile telecommunications device, content information received from the content provider, (col. 11, lines 18-50, also see Fig. 3); and, a second interface module for communicating between the B2B engine and the content provider, and responsive to receiving a report of a triggering event from the telecommunication system, notifying the B2B engine that the telecommunication system has reported a triggering event associated with the mobile

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telecommunications device, and forwarding the content information to the mobile telecommunications device, (col. 11, lines 18-50, also see Fig. 3).

Although the disclosed method of Owensby shows substantial features of the claimed invention, it fails to expressly disclose: receiving a subscription for a particular triggering event associated with a mobile telecommunications device from the content provider and agreeing to notify the content provider when the telecommunications system reports the triggering event associated with the mobile telecommunication device.

Nevertheless, in a similar field of endeavor, Calvert teaches a method for informing a user of a communication device where to obtain a product comprising: receiving a subscription for a particular triggering event associated with a mobile telecommunications device from the content provider, (col. 8, lines 22-27); and agreeing to notify the content provider when the telecommunications system reports the triggering event associated with the mobile telecommunication device, (col. 9, lines 5-34).

Thus, given the teaches of Calvert, it would have been obvious to one of ordinary skill in the art to modify the teachings of Owensby to show the steps of receiving a subscription for a particular triggering event associated with a mobile telecommunications device from the content provider and agreeing to notify the content provider when the telecommunications system reports the triggering event associated with the mobile telecommunication device. This would have advantageously provided a means for delivering content information to the mobile telecommunications device upon

a triggering event associated with the mobile telecommunications device, with the burden for delivering the content information placed on the content provider instead of the B2B engine. In doing so this would have also allowed for greater flexibility in choosing, by the content provider, exactly what type of content should be sent to the subscriber, (Calvert, col. 9, lines 38-67).

### ***Conclusion***

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hassan Phillips whose telephone number is (571) 272-3940. The examiner can normally be reached on M-F 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
**ZARNI MAUNG**  
SUPERVISORY PATENT EXAMINER